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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,751	09/26/2001	Derek P. Williams	4841-001	9284

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EXAMINER
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HRUSKOCI, PETER A

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS-3

<b>Office Action Summary</b>	<b>Application No.</b> 09/963,751	<b>Applicant(s)</b> WILLIAMS ET AL.	
	<b>Examiner</b> Peter A. Hruskoci	<b>Art Unit</b> 1724	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 23 January 2003.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) 30 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-29 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All   b) ☐ Some \*   c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-29, drawn to a method, classified in class 210, subclass 705.

II. Claim 30, drawn to a decanter, classified in class 210, subclass 221.2.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the decanter as claimed can be used in a materially different method such as a metal recovery method.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Larry L. Coates on 3-6-03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-29. Affirmation of this election must be made by applicant in replying to this Office action. Claim 30 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 5-11, 13-15, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sower in view of Lloyd. Sower disclose (see col. 14 line 34 through 15 line 27, and col. 29 line 3 through col. 32 line 8) a method of treating animal or hog waste substantially as claimed. The claims differ from Sower by reciting that the separated liquid is returned to the confinement area for reuse, or hog barn for flushing waste. Lloyd disclose (see col. 1 line 61 through col. 4 line 60) that it is known in the art to separate water and solids from waste stream produced by flushing an animal house, and to recycle the water for reuse as flush water. It would have been obvious to one skilled in the art to modify the method of Sower by reusing the recited separated liquid for flushing waste in view of the teachings of Lloyd, to reduce the amount of water

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required to flush waste from the confinement area or hog barn. The specific pH utilized, would have been an obvious matter of process optimization to one skilled in the art, depending on the specific waste treated and results desired, absent a sufficient showing of unexpected results.

8. Claims 4 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sower in view of Lloyd as above, and further in view of Seckler et al. 3,875,319. The claims differ from the references as applied above by reciting a step for separating the solids into undigested and digested feed. Seckler et al. disclose (see col. 3 line 15 through col. 4 line 51, and col. 8 lines 9-51) that it is known in the art to separate animal waste solids into undigested and digested feed, to aid in recovering protein, fiber, and grain feed products. It would have been obvious to one skilled in the art to modify the references as applied above, utilizing the recited solid separating step in view of the teachings of Seckler et al., to aid in recovering feed products. With regard to claim 19, it is submitted that the teachings of Seckler et al. appear to show the screening of hair from the undigested feed.

9. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sower in view of Lloyd as above, and further in view of Lamy et al.. The claims differ from the references as applied above by reciting a step for adding a coagulant to the waste mixture, and by using a specific solids separator or decanter. Lamy et al. disclose (see

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col. 1 line 8 through col. 4 line 55, and col. 7 lines 20-62) that it is known in the art to add a coagulant in combination with a flocculant to a effluent containing pig manure to decrease BOD and COD, and to separate solids from the effluent utilizing a flotation apparatus. It would have been obvious to one skilled in the art to modify the references as applied above, by adding a coagulant and utilizing the recited solid separator in view of the teachings of Lamy et al., to aid in decreasing BOD and COD, and separating solids from the waste mixture.

10. Claims 23-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sower in view of Seckler et al. 3,875,319. The claims differ from Sower as applied above by reciting a step for separating the undigested and digested feed in the solid waste, and creating feedstock from the undigested feed. Seckler et al. disclose (see col. 3 line 15 through col. 4 line 51, and col. 8 lines 9-51) that it is known in the art to separate animal waste solids into undigested and digested feed, to aid in recovering protein, fiber, and grain feed products. It would have been obvious to one skilled in the art to modify the method of Sower, by utilizing the recited separating and creating steps in view of the teachings of Seckler et al., to aid in recovering feed products. With regard to claim 24, it is submitted that the teachings of Seckler et al. appear to show the screening of hair from the undigested feed.

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11. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sower in view of Seckler et al. as applied above, and further in view of Lloyd. The claims differ from the references as applied above, by reciting that the hog waste is flushed from the confinement area with water, and the water is reused to flush waste. Lloyd disclose (see col. 1 line 61 through col. 4 line 60) that it is known in the art to separate water and solids from waste stream produced by flushing an animal house, and to recycle the water for reuse as flush water. It would have been obvious to one skilled in the art to modify the references as applied above by flushing the waste and reusing the water for flushing waste in view of the teachings of Lloyd, to reduce the amount of water required to flush the confinement area.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter A. Hruskoci whose telephone number is (703) 308-3839. The examiner can normally be reached on Monday through Friday from 6:30 AM to 4:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. David Simmons, can be reached on (703) 308-1972. The fax phone number for this Group is (703) 872-9310 (non-after finals) and 703-872-9311 after finals.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661 .

  
**Peter A. Hruskoci**  
**Primary Examiner**  
**Art Unit 1724**

P. Hruskoci  
March 14, 2003